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APR 17 2008

**OFFICE OF PETITIONS**

In re Application of	:	
James A. Campbell	:	
Application No.: 09/982592	:	DECISION ON
Filing or 371(c) Date: 10/18/2001	:	PETITION
Attorney Docket Number:	:	
DO-047524/P124US/10108968	:	

This is a decision in response to the "Petition to Revive Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed October 30, 2007.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

**Background**

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due ("Notice"), mailed July 19, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on October 20, 2007. A Notice of Abandonment was mailed November 13, 2007.

**The present petition**

Applicant files the present petition and asserts that the Notice was not received. In support of this assertion, Applicant files Affidavit of Barbara Dalbey and the Declaration of Scott Matthews.

**A Grantable Petition Under 37 CFR 1.137(a)**

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of

As to item (3), a showing of non-receipt of an Office communication may form the basis for revival of an application based upon unavoidable delay.

The MPEP 711.03(c)A, provides in relevant part:

(1) a statement from the practitioner stating that the Office communication was not received by the practitioner

(3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

## Analysis

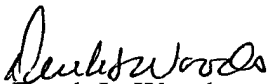
Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-8300  
Attn: Office of Petitions

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions